

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Number: 10/706,643

Confirmation Number: 7023

Applicant: Timothy Patrick Kelliher et al.

Filed: November 12, 2003

Group Art Unit: 3687

Examiner: Ashford S. Hayles

Docket Number: 133690-1

For: MONITORING SYSTEM AND METHOD BASED ON INFORMATION PRIOR TO THE  
POINT OF SALE

**PRELIMINARY AMENDMENT AND RESPONSE TO OFFICE ACTION DATED OCTOBER 27,  
2008 AND ACCOMPANYING RCE**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the Office Action dated October 27, 2008, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims beginning on page 2 of this paper.

**Remarks** begin on page 4 of this paper.

Please charge the appropriate amount for this RCE plus all applicable fees associated with the submission of this Response and any other fees required for the subject application to the Assignee's Deposit Account No. 07-0868.